

# THIRTEENTH DIVISION

[ CA-G.R. SP NO. 123741, March 31, 2015 ]

## HONORIO L. CASTILLO, PETITIONER, VS. HONORABLE OFFICE OF THE OMBUDSMAN, AND IGMEDIO L. CASTILLO, RESPONDENTS.

### DECISION

#### CORALES, J.:

This is a Petition for *Certiorari*<sup>[1]</sup> under Rule 65 of the Rules of Court assailing the June 30, 2011 *Decision*<sup>[2]</sup> of the Office of the Deputy Ombudsman for Luzon (OMB) in Case No. OMB-L-A-09-0281-F which found petitioner Honorio L. Castillo (Honorio) guilty of simple dishonesty and imposed on him the penalty of fine equivalent to his one (1) month salary.

#### The Antecedents

At the time material to the controversy, Honorio was employed by the Department of Interior and Local Government (DILG) with a rank of Local Government Operations Officer V and assigned as Cluster Head in the provincial office of DILG-Tarlac, Tarlac City. He and private respondent Igmedio L. Castillo (Igmedio) are brothers.

During the lifetime of Honorio and Igmedio's parents, they built a residential house on a parcel of land owned by Aurora Sta. Romana (Aurora) located in *Barangay* Sanbermecristi, Cabanatuan City. However, they and their mother, Anselma, were later on ordered by the Municipal Trial Court in Cities (MTCC), Branch 1, Cabanatuan City to surrender possession of the aforesaid lot to Aurora who won in the ejectment case docketed as Civil Case Nos. 13262-13301.<sup>[3]</sup> Allegedly, Honorio approached Aurora and offered to purchase the lot through the PAG-IBIG housing program so that he could save the ancestral house of his parents from the demolition order. Aurora accepted the offer and gave Honorio one (1) year to process the PAG-IBIG loan, otherwise, she would cause the demolition of the house. Thereafter, Honorio caused the cancellation of Anselma's Tax Declaration No. 107-08-070-01-212B1 and transferred it in his name by virtue of a notarized Waiver of Rights<sup>[4]</sup> dated November 5, 2006.

On May 28, 2009, Igmedio, filed a complaint<sup>[5]</sup> for dishonesty and grave misconduct against Honorio. He alleged that the signatures of their nine (9) other siblings in the Waiver of Rights were forged and no record of such document exists in the Office of the Clerk of Court, Regional Trial Court, Cabanatuan City. Honorio was presumed to be the author of the falsification because he was in possession of the forged document and the only person who benefited from it. Worse, Honorio bought the parcel of land, where the residential house is situated, through a PAG-IBIG loan

without the knowledge of his siblings. When Igmedio questioned Honorio of the foregoing dealings, the latter convinced him to assume the PAG-IBIG loan by paying the amortizations due and returning the P100,000.00 equity. Igmedio paid the first 13 amortizations in favor of Honorio and five (5) in favor of the Home Development Mutual Fund, but Honorio refused to honor his obligation of assigning the PAG-IBIG loan.

In his defense, Honorio insisted that the Waiver of Rights was executed with good intentions and for the sole purpose of securing the approval of the PAG-IBIG loan which would save the ancestral house from the demolition order. In fact, he already executed on May 20, 2009 another Waiver of Rights in favor of all the immediate heirs of her mother in order to show his sincerity and preserve their ancestral house. However, Igmedio wanted to acquire the lot and started telling lies to their other siblings. Igmedio claimed that he and Honorio had a verbal agreement on the assumption of mortgage and that he would supposedly return to Honorio the measly sum of P100,000.00, which is less than the true purchase price of the subject property. On July 23, 2009, Igmedio locked the house and denied Honorio entry thereto. Honorio argued that the complaint was a malicious attack against him and Igmedio already filed a criminal case for falsification of public document, thus, the OMB could no longer proceed with the administrative case.<sup>[6]</sup>

### **The Ruling of the OMB**

In its June 30, 2011 Decision,<sup>[7]</sup> the OMB found Honorio guilty of simple dishonesty pursuant to Civil Service Commission (CSC) Resolution No. 060538. The OMB took into consideration Honorio's good faith in executing the Waiver of Rights without the knowledge or consent of his siblings and the fact that the falsified document has no connection with his official function. Citing the case of *Remolona v. Civil Service Commission*,<sup>[8]</sup> the OMB stressed that the private life of an employee cannot be segregated from its public office and dishonesty inevitably reflects on the fitness of the employee to continue in office. The dispositive portion of the Decision reads:

**WHEREFORE**, from the foregoing, judgment is hereby rendered finding **HONORIO L. CASTILLO** guilty of Simple Dishonesty. Respondent **HONORIO L. CASTILLO** is hereby meted the penalty of Fine equivalent to his salary for one (1) month pursuant to Section 10, Rule III, Administrative Order No. 07 as Amended by Administrative Order No. 17 in relation to Section 25 of Republic Act No. 6770.

The Honorable Secretary, Department of Interior and Local Government, is hereby directed to implement this DECISION immediately upon receipt thereof pursuant to Section 7, Rule III of Administrative Order No. 07, as amended by Administrative Order No. 17 (Ombudsman Rules of Procedure) in relation to Memorandum Circular No. 1 series of 2006 dated 11 April 2006 and to promptly inform this Office of the action taken thereon.

**SO DECIDED.** (Emphasis appears in the original text of the Decision)

Feeling aggrieved, Honorio filed the instant petition for *certiorari* premised on the following grounds:<sup>[9]</sup>

- A. THE HONORABLE OFFICE OF THE OMBUDSMAN COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF OR IN EXCESS OF JURISDICTION IN RULING THAT PETITIONER IS GUILTY OF SIMPLE DISHONESTY DESPITE ITS FINDINGS THAT PETITIONER ACTED IN GOOD FAITH.
- B. THE HONORABLE OFFICE OF THE OMBUDSMAN COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF OR IN EXCESS OF JURISDICTION IN RELYING ON THE CASE OF REMOLONA VS. CIVIL SERVICE COMMISSION IN SUPPORT OF HER FINDING THAT PETITIONER IS GUILTY OF SIMPLE DISHONESTY.
- C. THE HONORABLE OFFICE OF THE OMBUDSMAN COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF OR IN EXCESS OF JURISDICTION IN IMPOSING TO THE PETITIONER THE PENALTY OF FINE EQUIVALENT TO THE LATTER'S ONE MONTH SALARY.

Honorio contends that the OMB's finding of good faith on his part runs contrary to the nature of simple dishonesty – one who is in good faith cannot be dishonest at the same time because good faith requires honesty of intention. He imputes grave abuse of discretion on the part of the OMB for relying on the *Remolona case*<sup>[10]</sup> despite the different factual milieu of the said case. He claims that the *Remolona case* involved a public document wherein the Waiver of Rights was purely private and its execution was not attended by either the elements of corruption or the intent to violate the law. He further asserts that the fine imposed on him was too harsh considering his honest intention and good faith in executing the Waiver of Rights plus the consequential benefits of his action which did not cause damage to the government and even saved the ancestral house.<sup>[11]</sup>

Required to comment, Igmedio counters that Honorio's alleged good faith is belied by his own acts, particularly the execution of the Waiver of Rights and Deed of Sale over the lot even before the MTCC issued a writ of demolition. He claims that the assailed decision is a “toothless decision equivalent to a mere slap on petitioner's wrist” and prays that Honorio be dismissed from service due to serious dishonesty.<sup>[12]</sup>

### **This Court's Ruling**

The petition fails to persuade Us.

In administrative cases, the findings of facts of the OMB are conclusive when supported by substantial evidence and are accorded due respect and weight. In reviewing administrative decisions, it is beyond the province of this Court to weigh the conflicting evidence, determine the credibility of witnesses, or otherwise substitute its judgment for that of the administrative agency with respect to the sufficiency of evidence. It is not the function of this Court to analyze and weigh the parties' evidence all over again except when there is serious ground to believe that a possible miscarriage of justice would thereby result or there is grave abuse of discretion by the OMB. Grave abuse of discretion implies a capricious and whimsical exercise of judgment tantamount to lack of jurisdiction. To warrant this judicial intervention, petitioner must be able to show that the OMB's exercise of power has been done in an arbitrary or despotic manner which was so patent and gross as to